

**RESOLUTION NO. 8744**

**WHEREAS,** US WEST Communication, Inc. (formerly Pacific Northwest Bell Telephone Company) had requested a 10 foot wide temporary construction easement for purpose of constructing an underground fiber optic telephone cable across the Warm Springs Indian Reservation and the Tribal Council adopted Resolution No. 7561 by reference is made a part hereof and the temporary construction easement terminated immediately upon completion of construction; and

**WHEREAS,** In conjunction with the buried fiber optic cable temporary construction easement, the Oregon State Highway Division requested that the Confederated Tribes join in the execution of permit applications which would provide for the telephone company to install the cable in certain areas and on structures that are within the Highway 26 right-of-way several points where it would be necessary to work within the highway right-of-way in order to tie unto existing bridge structures, to bore underneath the highway roadbed, and to cut a trench within the highway asphalt, and the Tribal Council adopted Resolution No. 7599 to approve the said permit applications, said Resolution No. 7599 by made a part hereof; and

**WHEREAS,** US WEST COMMUNICATIONS, INC., in addition to the fiber optic cable construction, has constructed a copper telephone service cable, beginning at the Agency Campus telephone switching facility in Section 26, Township 9 South, Range 12 East, Willamette Meridian, and terminating at the Highway 26 - HeHe Access Road - Simnasho Highway intersection in Section 7, Township 7 South, Range 11 East, Willamette Meridian, at an estimated construction cost of \$143,500.00, as consideration and compensation across Tribal lands, said copper cable to be constructed in the same trench as the fiber optic cable, to provide additional telephone service capability enroute to the Miller Flat Area and the Sidwalter Flat Area; and

**WHEREAS,** The cost of constructing the copper telephone service cable will not be a financial charge assessed against the Confederated Tribes, nor will the cost of constructing the copper telephone service cable be assessed and charged as a capital expenditure against the Confederated Tribes for the purpose of calculating capital expenditures in the Reservation telephone service agreement with the US WEST COMMUNICATIONS, INC.; and

**WHEREAS,** The buried fiber optic telephone cable together with the copper telephone cable, have been constructed across the following Reservation lands pursuant to Resolutions No. 7561 and No. 7500:

Township 9 South, Range 12 East, Willamette Meridian

Confederated Tribes of the Warm Springs Reservation -  
Sections 6, 7, 8, 9, 15, 16, 22, 23, 24, 25, 26 and 30.  
Allotment No. 662 - SE $\frac{1}{4}$ SE $\frac{1}{4}$ , Section 23. Allotment No.  
17, Lots 1 and 8, Section 26.

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Township 9 South, Range 11 East, Willamette Meridian

Confederated Tribes of the Warm Springs Reservation-  
NE $\frac{1}{4}$ , Section 1.

Township 8 South, Range 11 East, Willamette Meridian

Confederated Tribes of the Warm Springs Reservation-  
W $\frac{1}{2}$ , Section 4, Lot 1 and SE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 5. Allotment  
No. 655 - NW $\frac{1}{4}$ , Section 9. Confederated Tribes of the  
Warm Springs Reservation - SW $\frac{1}{4}$ , Section 9, Section 16,  
E $\frac{1}{2}$ NE $\frac{1}{4}$ , Section 21, Section 22. Allotment No. 308 - NE $\frac{1}{4}$ ,  
Section 27. Confederated Tribes of the Warm Springs  
Reservation - Section 26; N $\frac{1}{2}$ NE $\frac{1}{4}$ , Section 35, SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
Section 36. Allotment No. 588 - S $\frac{1}{2}$ NW $\frac{1}{4}$ , Section 36.  
Allotment No. 589 - SW $\frac{1}{4}$ , Section 36.

Township 7 South, Range 11 East, Willamette Meridian

Confederated Tribes of the Warm Springs Reservation - SW $\frac{1}{4}$   
Section 6, Section 7, E $\frac{1}{2}$ , Section 18, W $\frac{1}{2}$ SW $\frac{1}{4}$ , Section 17,  
NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , Section 20, NW $\frac{1}{4}$ , SE $\frac{1}{4}$ , Section 29. Allotment  
No. 634 - NE $\frac{1}{4}$ , Section 29. Confederated Tribes of the  
Warm Springs Reservation - N $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 32.  
Allotment No. 321 - S $\frac{1}{2}$ NE $\frac{1}{4}$ , Section 32.

Township 7 south Range 10 East, Willamette Meridian

Confederated Tribes of the Warm Springs Reservation -  
Section 1.

Township 6 South, Range 10 East, Willamette Meridian

Confederated Tribes of the Warm Sprigs Reservation -  
Section 1, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , Section 2, Section 12, Section 13,  
NW $\frac{1}{4}$ , Section 24. Allotment No. 895 - SW $\frac{1}{4}$ , Section 24.

Township 6 South, Range 10 East, Willamette Meridian

Confederated Tribes of the Warm Springs Reservation -  
W $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ , Allotment No. 894 - NW $\frac{1}{4}$ , Section 25.  
Allotment No. 897 - SE $\frac{1}{4}$ , Section 25. Confederated Tribes  
of the Warm Springs Reservation - Section 36.

Township 5 South, Range 10 East, Willamette Meridian

Confederated Tribes of the Warm Springs Reservation -  
S $\frac{1}{2}$ SE $\frac{1}{4}$ , Section 22 (that portion lying South of the  
McQuinn Line); W $\frac{1}{2}$ , Section 26, Section 35; now, therefore



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**BE IT RESOLVED,** By the (19th) Tribal Council of the Confederated Tribes of the Warm Springs Reservation of Oregon, pursuant to Article V, subparts (c) and (l) of Section 1, of the Tribal Constitution, that the request for an easement for right-of-way for a buried fiber optic telephone cable across the Warm Springs Reservation meets with the approval of the Tribal Council and a right-of-way across Tribal lands six (6) feet in width, 97,865 feet in length (18.50 miles), buried underground at a depth of 36 inches, and aggregating a total area of 13.48 acres, is hereby approved for a term of twenty-five (25) years, beginning on March 1, 1988 and terminating on the last day of February, 2013, and the Superintendent, Bureau of Indian Affairs, Warm Springs Agency, is hereby requested to issue and approve the grant of easement for right-of-way to US WEST COMMUNICATIONS, INC., grantee, and the Chairman or the Vice-Chairman and the Secretary-Treasurer are hereby authorized to sign the necessary documents to carry out the intent of this resolution.

**CERTIFICATION**

The undersigned, as Secretary-Treasurer of the Confederated Tribes of the Warm Springs Reservation of Oregon, hereby certifies that the (19th) Tribal Council is composed of 11 members of whom 7, constituting a quorum, were present at a meeting thereof, duly and regularly called, noticed, convened and held this 20th day of October, 1993; and that the foregoing resolution was passed by the affirmative vote of 6 members, the Chairman not voting; and that said resolution has not been rescinded or amended in any way.

  
For Ken Smith  
Secretary-Treasurer

NOTED: NOV - 8 1993

  
Gordon E. Cannon  
Superintendent

CC: Secretary-Treasurer  
Superintendent  
Administrative Service Center